

SELF-ADVOCATE TOOLKIT



KANSAS BELIEVE

This toolkit has been written for self-advocates
using plain language and images.



Kansas BELIEVE Self-Advocate Toolkit

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About Kansas BELIEVE



What is Kansas BELIEVE?

The Kansas BELIEVE (Building and Expanding Leaders and Individuals, Experience the Vision of Empowerment) Partnership membership is the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) and the Self-Advocate Coalition of Kansas (SACK).

The vision of Kansas BELIEVE is that people with intellectual and developmental disabilities (I/DD) who have experienced sexual violence will be believed and will be able to make their own decisions. Kansas service and support providers will offer unconditional and continuous support in a relaxed place with safety and respect.

The mission of Kansas BELIEVE is to improve services and support to people with I/DD who have experienced sexual violence. We will do this through our:

- Active teamwork,
- Desire to understand, and
- Development of meaningful partnerships.

We will also build our ability to assist others in creating communities of safety and trust that are based on listening, believing, and providing unconditional support.



A picture of the hands of the Kansas BELIEVE team and self-advocates in a circle. The Kansas BELIEVE logo is in the middle of the hands.



Guardianship



Guardianship Toolkit for Self-Advocates

Empowering People with Disabilities to Live Life

2018

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GUARDIANSHIP TOOLKIT FOR SELF-ADVOCATES

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What is this toolkit?

The Kansas BELIEVE Partnership is the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) and the Self-advocate Coalition of Kansas (SACK). The two organizations talked to self-advocates, sexual assault survivors, and sexual assault programs to learn what information would be helpful to everyone.

This toolkit is written to help self-advocates (people with intellectual and developmental disabilities) know about:

- Self-advocacy
- Self-determination
- Options for help with making decisions
- Conservatorship
- Guardianship

Who will this toolkit help?

This toolkit will help:

- Self-advocates who want help with their money.
- Self-advocates who want help with making decisions.
- Self-advocates who are told that someone wants to be their guardian.

Self-advocacy and self-determination are important to understand before learning about options for help with making decisions. Self-advocacy and self-determination are defined next.

What is self-advocacy?

Self-advocacy is when people say what they want and need.

Self-advocacy means:

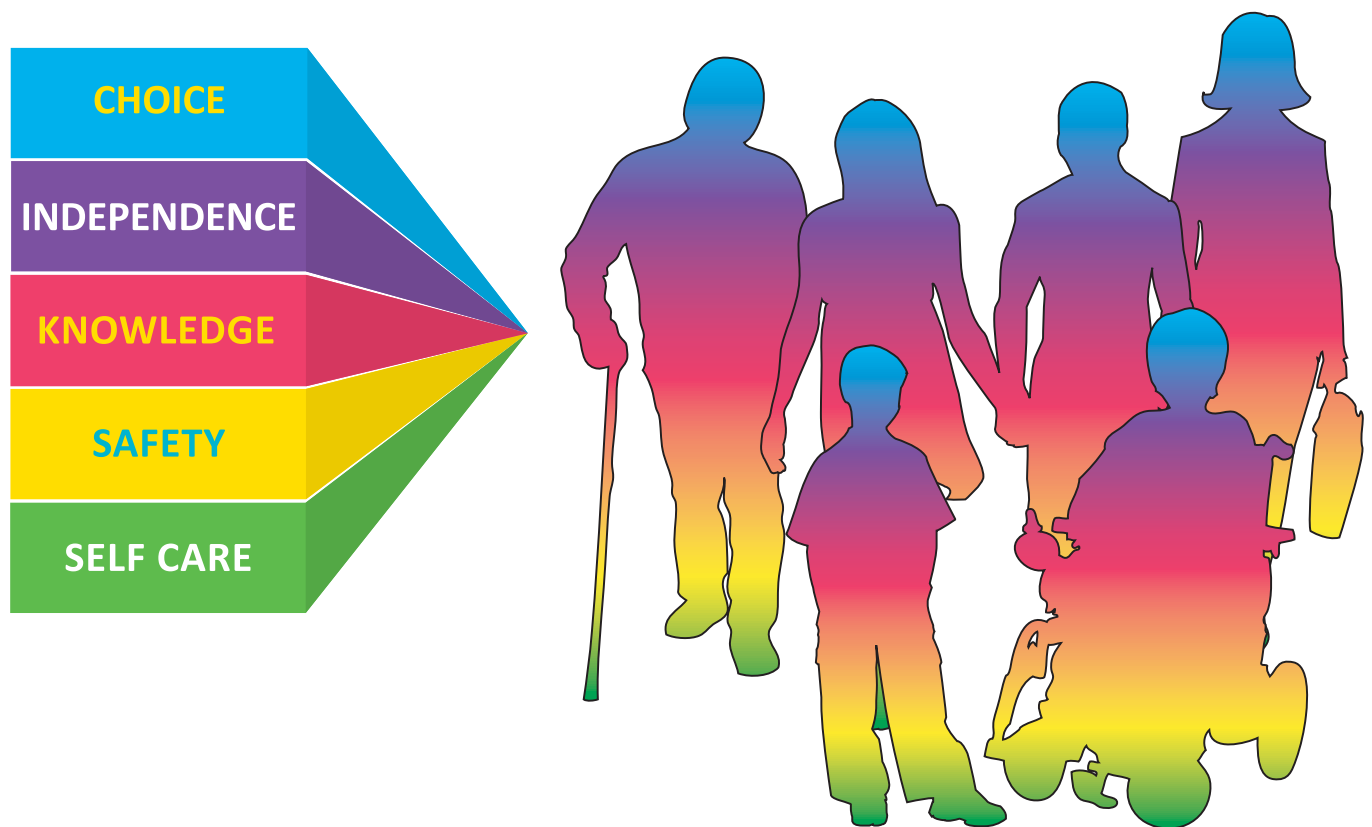
- Speak for yourself
- Share ideas about what you need and want
- Speak about what you want your life to be
- Speak about the things that can affect your life



A picture of a woman pointing to herself.

What is self-determination?

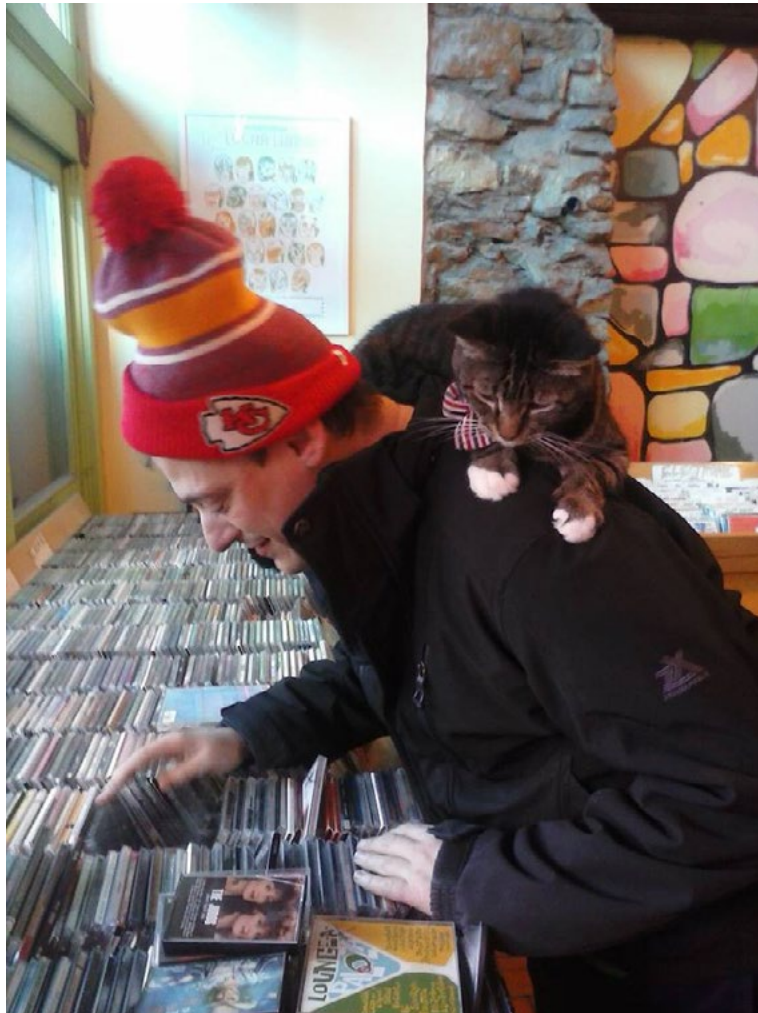
People are often labeled and defined by their disability or experience. People have feelings, ideas, beliefs, and values that are not limited by disability or experience. People with disabilities or people who experience sexual violence also have feelings, beliefs, and values. Each person is the expert in their own thoughts, feelings, and experiences, and knows what is best for them. As the expert of their life, people have the ability to direct decisions about their life, and this is self-determination. Choice, independence, knowledge, safety, and self-care are basic parts of self-determination.



HUMAN JUST LIKE EVERYONE ELSE

■ Choice (ability to try something and learn)

Each person has the right to experience successes and failures based on their decisions, and to decide if the result is what they want. This is how people build skills in understanding cause and effect for future decision-making and choices.



A picture of a self-advocate flipping through a selection of CD's with a cat resting on his shoulder.

■ Independence (decide how things are done)

Each person has the ability to make choices in their life according to their needs, beliefs, values, and desires. The level of independence and support varies based on the needs, abilities, skills, and experience of each person.



A picture of a self-advocate who has just received a “Cheerful Charlie” award at work.

■ Knowledge (information)

Each person has the right to have easily understood information about the options available, and the possible outcomes of each option.



A picture of a self-advocate speaking to the audience at the Kansas Disability Caucus.

■ Safety (emotional, financial, physical, spiritual)

Each person has the right to feel safe. Each person has the right to determine which safety plans they wish to use and which they do not. A person telling their own experience of violence or abuse should be met with support and options. Options are then chosen by the person so they can determine the next steps for their own safety.



A picture of a self-advocate at physical therapy.

■ Self-care (taking care of one's own emotions and body)

Each person has the right to heal in their own way. This involves taking care of their emotional, physical, and spiritual needs.

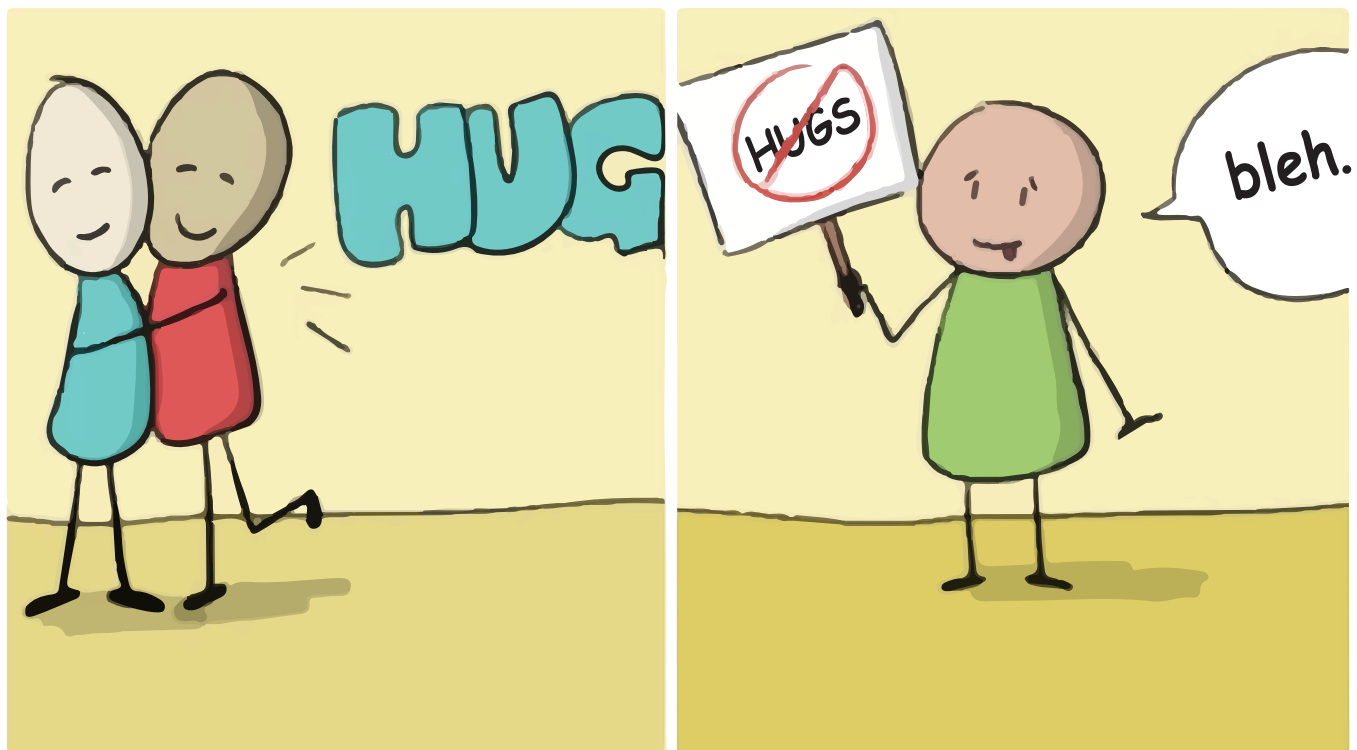


A picture of two self-advocates on a boat on vacation.

What is Consent?

Consent, the ability to decide if you want to do something, is an important part of self-determination and decision making.

Consent is the right to agree or disagree to do something. Consent must be given because you want to do something. It is okay not to consent to something. This means saying “no” to something. If someone wants to hug you, you have the right to consent to the hug (yes, hug me). You also have the right to say “no” to the hug (do not hug me).



Decisions

People need to make decisions everyday. Some decisions are less important like, “what will I eat for breakfast?” and some decisions are more important like, “where do I want to work?” No matter what the decision, people get to tell what they want.



A picture of a road that splits into separate directions with one direction being “yes” and the other direction “no.”

Sometimes people need help with making decisions. There are many ways to get help to make decisions and get things done. Some ways of making decisions with help are:

- Supported Decision Making
- Social Security Representative Payee
- Durable Power of Attorney
- Conservator
- Guardian

Supported Decision Making

Supported Decision Making is when a person with a disability talks with another person or team of people they trust to get help in making their own choices about their own life. It is important that these people are chosen by the person with a disability.



A picture of a self-advocate with her support team standing behind her.

Payee

The payee is a person or organization chosen to manage a person's Social Security, SSI benefits or other finances for anyone who is not able to take care of their own benefits or finances. A payee's main duties are to pay the person's bills. A payee keeps records of expenses.



A picture of a two people looking at papers together.

Conservator

The Conservator will take care of money and things of value for the Conservatee.



A picture of a man on the telephone and the man is also writing something in a book.

Durable Power of Attorney

A Durable Power of Attorney may be the most important of all legal documents. This legal document gives another person the right to do certain things for the self-advocate. What those things are depends on what the legal document says. Durable Power of Attorney can be very broad or limited to only certain things. A self-advocate can end Durable Power of Attorney at any time.



A picture of a man shaking the hand of a woman.

Guardianship

The information in this part of the toolkit talks about what a guardian is, what guardianship means, who the courts view as someone in need of a guardian, duties of a guardian, decision making with a guardian, guardian responsibilities, limits on guardianship and the rights the court give to guardians.



A picture of a court house.

■ Guardian

What is a guardian?

An individual or a group of people certified and appointed by a court to act on behalf of a person in need of help making decisions and taking care of their needs. Only the court can appoint a guardian.

The court will make a Letter of Guardianship with information about the duties of the guardian.

■ Guardianship

- May be temporary (needed for a period of time)
- The goal is to restore the person to complete decision-making ability
- The purpose should be to create few limits and to encourage self-determination



A picture of two men sitting on chairs at a table and talking.

■ Things the court looks at when appointing a Guardian

An adult with a lack of ability who may be in need of a guardian or a conservator means:

- A person 18 years of age or older,
- A person who is not able to receive and consider information,
- A person who is not able to share their decisions even with the use of assistive devices or other supports,
- A person who does not have the skills to be in charge of their own money and things of value,
- A person who is not able to meet their own needs for physical health or safety.



A picture of a woman in a power chair.

■ Guardian Duties

The guardian shall try their best to:

- Perform (to do) duties and responsibilities assigned by the court
- Know the person they are the guardian for and what the person wants
- Make decisions as needed
- Help the person they are guardian for make their own decisions



A picture of two men standing and talking about something on a piece of paper.

■ Guardians and Decisions

In making decisions on behalf of the person they are the guardian for, the guardian shall:

- Consider the wants and thoughts of the person they are the guardian for, as known by the guardian
- Make sure the rights of the person they are the guardian for are protected
- At all times act in the best interests of the person they are the guardian for
- File all the needed reports with the court



A picture of two men standing and talking.
One man is pointing to a piece of paper.

■ Guardian Responsibilities

A guardian is responsible for:

- Protecting the comfort, safety, health and money of the person they are a guardian for.
- Considering and providing on behalf of the person they are the guardian for any consents (agree to) or refusals (not to agree to) for services.
- Making sure the person they are the guardian for has a safe place to live.
- Making sure the person they are the guardian for receives medical care and other services as may be needed.
- Making decisions about the person's funeral and body when the person they are the guardian for dies.



A picture of a woman standing and smiling.

■ Limits on the Guardian

A guardian cannot decide for the person they are the guardian for:

- Who the person will marry or divorce.
- To end the person's rights as a parent.
- To agree for the person to be part of any untested medical or behavioral procedure.



A picture of a woman with arms and hands open wide and her mouth open with a surprised look on her face.

Removal of Guardianship or Conservatorship

The guardian or the conservator can ask the court to leave their duties. The court decides if the guardian or conservator can leave. The court can appoint someone else to take over the duties of the guardian or conservator. The court can also remove the guardian or conservator if they are not doing their job.

If the court finds:

- That the guardian or conservator, or both, should be allowed to resign, or
- Should be removed for failure to fulfill the duties or responsibilities of being a guardian or conservator, or
- For the manner in which the guardian or conservator has exercised the powers or authorities granted to the guardian or conservator, then
- The court shall revoke the Letters of Guardianship or Conservatorship, or both.
- The court may appoint a successor guardian or conservator, or both.

Return to Decision Making (Capacity)

An adult, who has been found to have a lack of ability and the court found in need of a guardian or a conservator, or both, may be restored to ability to not have a guardian or a conservator.

If the court decides the person does not need a guardian or conservator, the court shall order that the person is given the ability to make their own decisions again (restored to capacity). The court shall end the guardianship or conservatorship, or both.

Help with Conservator and Guardianship

If you need help or have questions about conservatorship or guardianship, contact:



Disability Rights Center of Kansas
214 SW 6th Ave, Suite 100
Topeka, KS 66603
785-273-9661
www.drckansas.org



Self Advocate Coalition of Kansas

785-749-5588

Website: www.sackonline.org

Guardianship Video Resources

To watch a short video explaining self-advocacy by the Self-Advocacy Resource and Technical Assistance Center, go to:

<http://bit.ly/What-is-Self-Advocacy>

For more information about consent, watch a video on YouTube made by CampusClarity. To watch the video, go to:

<http://bit.ly/What-is-Consent>

To watch a short video about decisions made by SpeakOutAdvocacy, go to:

<http://bit.ly/Making-DecisionsSA>

To watch a short video about Supported Decision Making by Able South Carolina, go to:

<http://bit.ly/Supported-Decision-Making>

To watch a video about power of attorney made by Age UK, go to:

<http://bit.ly/Power-of-AttorneySA>

We would like to thank the following for the use of the photos in this toolkit:



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The Kansas BELIEVE Partnership



Self Advocate Coalition of Kansas



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